

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION

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In re:

Case No. 04-33379-GFK

Darrell Eugene Allen  
Bonnie Jean Allen

Debtor(s).

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**MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR DEBTOR(S)**

TO: THE ABOVE-NAMED DEBTOR(S) AND OTHER PARTIES IN INTEREST:

The Court will hold on this Motion on the 19<sup>th</sup> day of October, 2004 at 10:30 a.m., or as soon thereafter as counsel can be heard, before the Honorable Gregory F. Kishel in court Room No. 228B, at the United State Courthouse, 316 North Robert Street, St. Paul, Minnesota.

I, Jerome W. Perry, 307 Ironwood Square, 300 Third Avenue SE, Rochester, Minnesota 55904-4681, moves this Court for an Order permitting him to withdraw as counsel for the debtor in this case. The grounds for this motion are:

The debtor has repeatedly failed to cooperate in the prosecution of this case and in particular has on two (2) occasions failed to appear at the §341 Hearing; and

The debtor has failed to provide information requested by his attorney; and

The debtor has moved and left no means of contacting him; and

The debtor and counsel cannot agree on a course of proceeding in this case that is acceptable to counsel; and

Further, if the undersigned reveals facts upon which this motion is based that may involve disclosure of other confidences, however, the undersigned represents good grounds for withdrawal exist.

As set forth in the attached certification of service, this motion was served upon the debtor and interested parties by certified mail to their last known address.

If this motion is granted, the debtor may be served with notices and papers at: 206 6<sup>th</sup> Street, Apt. 103, Stewartville, Minnesota 55976 and contacted by telephone at: 507-269-0177.

Dated: September 23, 2004

Perry Law Office  
By: /e/Jerome W. Perry  
Jerome W. Perry, Reg. 8525X  
Attorney for Debtor(s)  
307 Ironwood Square  
300 Third Avenue SE  
Rochester, MN 55904-4681  
(507) 282-4304

Verification: I, Jerome W. Perry, the moving party named in the foregoing Motion for Leave to Withdraw as Counsel for Debtor(s), declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated the 23<sup>rd</sup> day of September, 2004.

/e/Jerome W. Perry  
**JEROME W. PERRY**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

**In re:**

**Darrell Eugene Allen & Bonnie Jean Allen,**

**Debtors.**

**Chapter 7**

**Bky. 04-33379**

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**CERTIFICATE OF SERVICE**

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I, Jerome W. Perry, certify under penalty of perjury that on September 23, 2004, I served a copy of the Motion for Leave to Withdraw as counsel for Debtor(s) in the above-referenced case by placing said copies by U.S. mail, postage prepaid, to each person named below:

Clerk of Bankruptcy Court  
200 US Courthouse  
316 North Robert Street  
St. Paul, MN 55101

Darrell Allen  
Bonnie Allen  
100 5<sup>th</sup> Avenue SE  
Stewartville, MN 55976

United States Trustee  
1015 US Courthouse  
300 South 4<sup>th</sup> Street  
Minneapolis, MN 55415

Maschka, Riedy & Ries  
Attention: Mr. Charles W. Ries, Trustee  
Suite 200, Union Square Business Center  
201 North Broad Street  
PO Box 7  
Mankato, MN 56002-0007

Dated: September 23, 2004, 2004

/s/Jerome W. Perry  
**JEROME W. PERRY**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA  
THIRD DIVISION

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**ORDER**

This matter came before the court on this \_\_\_\_ day of \_\_\_\_\_, 2004 upon the Motion for Leave to Withdraw as Counsel for the Debtor(s) by Jerome W. Perry, requesting an Order Withdrawing as Counsel for the Debtor(s) based upon the Motion for Leave to Withdraw and all other files, records and proceeding in this case.

**IT IS HEREBY ORDERED**

1. That Motion for Leave to Withdraw as Counsel for the Debtor(s) is affective the date of this Order.
2. That the Clerk of this Court shall transmit a copy of this Order, and such other form Notice to Debtor(s) and all of their creditors and other parties in interest to this case.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**HONORABLE GREGORY F. KISHEL**  
Judge of Bankruptcy Court